

wherein said at least one receptacle comprises locking means for securely holding said light source ~~means~~ in place."

Combining the changes in amended Claim 24 and the discussion provided above in the reply to **O. A. No. 8.**, Applicant believes Claim 24 is now in condition for allowance.

### **Remarks and Arguments:**

In view of the following remarks, reconsideration of the outstanding Office Action is respectfully requested.

**O. A. No. 13 and 14.** The rejection of **Claims 21 and 22** under 35 U.S.C. 102(b) as being anticipated by MORI (U.S. Patent No. 4,510,555) is respectfully traversed and Applicant respectfully submits that considering amended Claims 21 and 22 Examiner has not established a *prima facie* case of anticipation.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). MPEP 2131

In regard to amended **Claims 21 and 22** , Claims 21 and 22 currently recite:

Claim 21 (amended) A self-illuminating fabricated solid object assembly comprising:

- a) at least one visually exposed surface;
- b) at least one aperture, said aperture opening on an accessible surface;
- c) at least one optical fiber positioned within said solid object;
- d) a first end of said optical fiber visually terminating at said visually exposed surface of said solid object;
- e) a second end of said optical fiber operatively related to said aperture to receive light,
- f) at least one receptacle operatively relating to said at least one aperture, said receptacle receiving said second end of said optical fiber providing for said second

end of said optical fiber to receive light,

g) said at least one receptacle receiving an exchangeable light source comprising a light emitting diode providing for transmission of light from said exchangeable light source to said first end of said optical fiber, wherein said light source additionally comprises at least one fiber optic cable, said cable adapted for the transmission of light from said at least one exchangeable light source.

Claim 22 (amended) A self-illuminating fabricated solid object assembly comprising:

a) at least one visually exposed surface;

b) at least one aperture, said aperture opening on an accessible surface;

c) at least one optical fiber positioned within said solid object;

d) a first end of said optical fiber visually terminating at said visually exposed surface of said solid object;

e) a second end of said optical fiber operatively related to said aperture to receive light,

f) at least one receptacle operatively relating to said at least one aperture, said receptacle receiving said second end of said optical fiber providing for said second end of said optical fiber to receive light,

g) said at least one receptacle receiving an exchangeable light source comprising a light emitting diode providing for transmission of light from said exchangeable light source to said first end of said optical fiber, wherein said light source additionally comprises at least one fiber optic cable, said cable adapted for the transmission of light from said at least one exchangeable light source,

wherein said at least one fiber optic cable is received by a plurality of solid objects.

Mori does not teach light emitting diodes as claimed by Applicant, therefore as each and every element as set forth in the claim is not found, either expressly or inherently described, in Mori and as the identical invention is not shown in as complete detail as is contained in Applicant's claim, Mori does not anticipate Applicant's invention.

In fact Mori, teaches his cable as one that carries light, such as sunlight, that must be condensed by a lens into an optical cable (see Col. 1, lines 9 – 13, Col. 2, lines

12 – 14, and Col. 2, line 40.). Condensing sunlight into a cable is taught as a means to construct ornamental lighting devices free from the generation of heat (Col. 1, lines 12 – 15).

Moreover, Mori's optical fiber's must be parallel to each other, which is not a requirement in Applicant's invention, and they must be spaced apart, which is not a requirement in Applicant's invention.

It follows then that Mori does not either expressly or inherently describe Applicant's invention.

Thus, for these reasons, as provided above, Applicant respectfully submits that **Claims 21 and 22** are patentable over the cited reference.

**O. A. No. 15 - 19.** The rejection of **Claim 23** under 35 USC § 103(a) as being unpatentable over MORI in view of MOUISSIE (U.S. Patent No. 4,845,596) is respectfully traversed and it is respectfully submitted that Examiner did not establish a *prima facie* case of obviousness.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under **35 U.S.C. 103**, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). MPEP 2143.03. Moreover, "Claims in dependent form shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim." MPEP 608.01(i).

Claim 23 is now a dependent claim, depending from Claim 21.

It was shown above that Mori cannot provide a *prima facie* case of anticipation or thus obviousness, and therefore Claim 21 is now in condition for allowance, and as Claim 23 depends from Claim 21, it too is allowable.

As Mori cannot be used as a primary reference and as neither Mori nor Mouisse teach the use of LED, even in combination they do not teach all of the limitations of Applicant's invention and cannot be used together to reject Applicant's invention.

Moreover, there would be no reason to combine More and Mouisse as Mouisse does not teach “wherein on said at least one visually exposed surface a plurality of predetermined patterns for receiving light comprise informational messages” as claimed by Applicant in Claim 23. Mouisse simply teaches that his illumination device can be used not to in themselves create messages but simply as background illumination of flat information display units such as liquid crystal display panels, text panels, instrument panels, etc.

It follows then that Mori in view of Mouisse does not either expressly or inherently describe Applicant’s invention and thus, for these reasons, as for the reasons provided above, Applicant respectfully submits that **Claim 23** is patentable over the cited references.

## **ALLOWABLE SUBJECT MATTER**

**O. A. No. 20 - 21. Claim 24** has been amended to overcome the rejections under 35 U.S. C. 112, 2<sup>nd</sup> paragraph as set forth in the Office Action and to include all the limitations of base Claim 21.

## CONCLUSION

The Prior art made of record and not relied upon was considered.

Applicant believes that all of the claims of the Application are now in condition for allowance. Accordingly, favorable consideration of the present application is respectfully requested so that it may timely pass to issue.

Respectfully submitted,

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